

DRAFT MASSACHUSETTS STORMWATER NEWS | SUMMER 2017

STORMWATER OUTREACH IN MASSACHUSETTS

[***NOTE: THIS TEXT HAS NOT YET BEEN INSERTED INTO THE OFFICIAL STORMWATER NEWS GRAPHIC FORMAT. FORMATTING OF THIS TEXT WILL OCCUR AFTER MASSDEP HAS MADE ITS FINAL COMMENTS. FORMATTING WILL BE THE SAME AS IN THE PREVIOUS STORMWATER NEWS. ***]

[THE FOLLOWING IS THE MAIN ARTICLE TEXT FOR THE JULY STORMWATER NEWS EDITION REGARDING COMMONLY ASKED QUESTIONS ABOUT THE MS4 NOI.]

[ARTICLE TITLE:] Meeting the MS4 2016 Permit Compliance Deadline for NOI Submission: Commonly Asked Questions

[ARTICLE TEXT:]

What's the purpose of a Notice of Intent (NOI)?

The NOI sets out how the owner and/or operator of a separate municipal stormwater system (MS4) intends to comply with permit requirements, including planned Best Management Practices (BMPs) designed to address the permit's six Minimum Control Measures (MCMs), and any actions that it will take to meet applicable Impaired Waters or Total Maximum Daily Load requirements (TMDLs). TMDLs set the maximum amount of a pollutant that an impaired body of water can handle before marine life, wildlife and/or recreational uses are adversely affected). The six MCMs, when implemented together, should result in significant reduction of pollutants discharged into receiving waters.

What is the deadline to file NOI submissions with EPA and MassDEP?

The 2016 permit goes into effect on July 1, 2017. NOIs must be submitted to both agencies within 90 days of that date: on or before September 29, 2017.

Where can I find detailed guidance on how to properly complete a NOI?

Complete instructions are set out in Appendix E of the permit:

<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-e-2016-ma-sms4-gp-print.pdf>

Can I submit the NOI online, or must I mail hard copies to both EPA and MassDEP?

You can use either method, although EPA prefers that you file online. You can complete and submit the NOI online using EPA's interactive NOI template, available at:

<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-e-2016-ma-sms4-gp.pdf>. A "How-to Guide" is embedded in the interactive form itself. If you submit your NOI to EPA online via email, there is no need to submit a separate copy to

MassDEP. EPA will provide a copy to MassDEP on your behalf. Alternately, you can download and print a copy of the NOI template in Appendix E, fill it out by hand, and mail copies to both EPA and MassDEP. The downloadable NOI template is available at: <https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-e-2016-ma-sms4-gp-print.pdf>.

What are the purposes of the NOI's Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) eligibility requirements?

Under the ESA, the NOI requires MS4s to determine whether its discharges might adversely affect any of the four MA endangered species inhabiting MS4 discharge areas. Under the NHPA, the NOI requires MS4s to determine whether its compliance activities might negatively affect designated historic lands or properties. If you determine that activities under either statute might have negative effects, outline how you propose to remedy them. The requirements under both statutes are fully set out in Appendices C and D of the MS4 permit respectively, at:

<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-c-2016-ma-sms4-gp.pdf>; <https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-d-2016-ma-sms4-gp.pdf>.

Does the NOI submission require approval from the U.S Fish and Wildlife Service (FWS) or the State/Tribal Historic Preservation Officer (SHPO/TPHO)?

In some circumstances, it may be necessary to consult these agencies to complete the NOI. EPA strongly encourages applicants to begin both review processes as early as possible, as it can take time to complete these reviews.

How detailed does the completed NOI have to be?

NOI responses are intended to be goal-oriented; in other words, you only need to set out existing or proposed actions that you have taken, or intend to take, to achieve compliance. In addition, you can amend or expand upon the NOI later in your Stormwater Management Plan (SWMP) due one year from the effective date of the permit. Your municipality's signee will certify that all information set out in the NOI is true, accurate and complete, and based on the best information available at the time of submission.

What happens after the NOI is submitted?

EPA and MassDEP will review each NOI to determine whether all required information has been submitted, and request missing information if necessary. EPA will then post all completed NOIs on its website to allow a minimum 30-day public comment period. If no comments are received after 30 days have elapsed, EPA and MassDEP will send written authorizations to discharge to these MS4s via U.S. certified mail. If comments are

received, EPA and MassDEP will work with the permittee to ensure that all comments are appropriately addressed. EPA may also choose to extend the public comment period, and hold a public hearing if the Agency receives a written request to do so, and concurs with the reasons or issues supporting the request.

I still have questions. Where can I get more assistance on how to complete the NOI?

EPA and MassDEP are committed to assisting MS4s to complete their NOIs and comply with the permit. For that reason, EPA has compiled a resource list to guide MS4s through the NOI completion process, available below.

[THE FOLLOWING IS THE SIDE BAR TEXT FOR THE LEFT-HAND PANEL OF THE STORMWATER NEWS. ONCE FORMATTED, THIS TEXT WILL APPEAR IN A BOX ON THE FIRST PAGE TO THE LEFT OF THE ARTICLE TEXT ABOVE.]

[BOX HEADING:] More Questions about the NOI? Register for our webinar!

[BOX TEXT:]

“Completing a Notice of Intent for Approval to Discharge under the 2016 MA Small MS4 General Permit”

Date: August TBD, 1-2:30pm

The NOI for the 2016 permit requires more detailed information than the NOI for the 2003 permit. EPA is hosting a webinar on the NOI completion and submission process. The webinar will cover NOI requirements, demonstrate how to complete the interactive online NOI template, and how to submit it electronically. You can register for the webinar at: <https://register.gotowebinar.com/register/4415012358275674114>

Newton Tedder of EPA Region 1 will be available at the close of the webinar for a “live” Q&A session. He is also holding six multiple live presentations across the state this summer. Please check EPA’s website for date and location information: https://www3.epa.gov/region1/npdes/stormwater/MS4_MA.html. The webinar and live presentations offer MS4s the opportunity to ask questions and become fully informed on all NOI requirements.

Can’t attend the webinar or any of the live presentations? A webinar recording will be available on the EPA website:

https://www3.epa.gov/region1/npdes/stormwater/MS4_MA.html

[THE FOLLOWING IS THE CONTENTS OF THE NOI ASSISTANCE RESOURCES BOX. ONCE FORMATTED, THIS TEXT WILL APPEAR IN A BOX ON THE SECOND PAGE OF STORMWATER NEWS.]

[BOX HEADER]: NOI Assistance Resources Available from EPA and MassDEP

[BOX TEXT]:

- The interactive template (Electronic pdf) for completing and submitting the NOI online:
<HTTPS://WWW3.EPA.GOV/REGION1/NPDES/STORMWATER/MA/2016FPD/APPENDIX-E-2016-MA-SMS4-GP.PDF>
- The downloadable NOI template to print, fill out by hand and mail to EPA and MassDEP:
<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-e-2016-ma-sms4-gp-print.pdf>
- To Register for the NOI Webinar on August TBD, 1-2:30pm:
(will insert link once date is finalized)
- The complete MA MS4 2016 Permit, Appendices and outreach materials, including the NOI “how-to” guide and webinar recording:
HTTPS://WWW3.EPA.GOV/REGION1/NPDES/STORMWATER/MS4_MA.HTML
- MA MS4 regulated area maps:
<HTTPS://WWW3.EPA.GOV/REGION1/NPDES/STORMWATER/MA.HTML>
- The Endangered Species Act: FWS IPaC Tool: <HTTPS://ECOS.FWS.GOV/IPAC/>
- The National Historic Properties Act: Project Notification Form:
<HTTP://WWW.SEC.STATE.MA.US/MHC/MHCFORM/FORMIDX.HTM>
- List of MA impaired waters:
<WWW.MASS.GOV/EEA/DOCS/DEP/WATER/RESOURCES/07V5/14LIST2.PDF>
- Mass GIS impaired waters & TMDL map tool:
<HTTP://MAPS.MASSGIS.STATE.MA.US/IMAGES/DEP/OMV/IL2014VIEWER.HTM>
- MassDEP Municipal Stormwater webpage:
<HTTP://WWW.MASS.GOV/EEA/AGENCIES/MASSDEP/WATER/WASTEWATER/STORMWATER.HTML#8>
- **[ADDITIONS WELCOME]**

[THE FOLLOWING IS THE CONTENTS OF THE ASSISTANCE TOOLS BOX. ONCE FORMATTED, THIS TEXT WILL APPEAR IN A BOX ON THE SECOND PAGE OF STORMWATER NEWS.]

[BOX HEADER]: Additional EPA and MassDEP Assistance Tools

[BOX TEXT]:

- EPA’s national website on municipal stormwater contains additional resources for municipalities: <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>
- **[ADDITIONS WELCOME]**

[THE FOLLOWING IS A FINAL NOI REMINDER AND ADDITIONAL INFORMATION WHICH WILL APPEAR AT END OF STORMWATER NEWS.]

Reminder: The NOI is due on or before September 29, 2017

*Municipalities and “nontraditional” public facilities regulated under the 2016 MS4 permit must either email the signed and completed NOI and attachments to stormwater.reports@epa.gov, **OR** mail hard copies to both EPA and MassDEP as specified in the NOI form itself.*

Stormwater News is a collaborative effort of the Massachusetts Department of Environmental Protection (MassDEP) and the New England Office of the US Environmental Protection Agency (EPA).

Specific questions about the permit and NOI should be directed to:

EPA: Newt Tedder – tedder.newton@epa.gov; 617-918-1038

MassDEP: Fred Civian – Frederick.civian@state.ma.us; 617-292-5821

Suggestions for future topics, questions, assistance or requests to be added or removed from the MA Stormwater News mailing list can be sent to:

StormwaterNewsMA@epa.gov